

AN ACT concerning land surveyors.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Section 5. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12, 15, 20, 29, 45, and 49 as follows:

(225 ILCS 330/1) (from Ch. 111, par. 3251)

(Section scheduled to be repealed on January 1, 2010)

Sec. 1. Declaration of public policy. The practice of land surveying in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared that the determination and physical protraction of land boundaries, together with the attendant preparation of legal descriptions and plats, which bear witness for posterity ~~and become part of the public record~~ to chronicle the acts and wishes of landowners throughout this State is a matter of public interest and concern. Therefore, it is in the public interest that the practice of land surveying, as defined in this Act, merit and receive the confidence of the public, and that only qualified persons be authorized to practice land surveying in the State of Illinois. This Act shall be liberally construed to best carry out this purpose.

(Source: P.A. 86-987.)

(225 ILCS 330/3) (from Ch. 111, par. 3253)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Exceptions. This Act does not prohibit ~~-(a)~~ any person licensed in this State under any other Act from engaging in the practice for which that person is licensed ~~;~~

~~(b) An individual, firm, or corporation engaged in any line of business other than the practice of land surveying from employing a licensed land surveyor to perform land surveying services directly incidental to the business of that individual, firm, or corporation.~~

(Source: P.A. 86-987.)

(225 ILCS 330/4) (from Ch. 111, par. 3254)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Land Surveyors Licensing Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed practicing in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person

licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 330/5) (from Ch. 111, par. 3255)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Practice of land surveying defined. Any one or combination of the following practices constitutes the practice of land surveying:

(a) ~~Surveying, preparation of boundary descriptions and measuring the area of any portion of the earth's surface, the lengths and directions of the boundary lines, or the contour of the surface for their determination and description for conveying or for recording, or for~~ Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or lines and the platting of lands and subdivisions;

(b) Establishing Surveying and measuring the area or volume of any portion of the earth's surface, subsurface, or ~~surveying and measuring an area of the~~ airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as

performed by photogrammetric methods or except when the level of accuracy required is less than the American Congress on Surveying and Mapping-designated Classes of Surveying over the-earth's-surface,-to-determine-the--location--of--property rights;

(c) Preparing descriptions for the determination of title rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace  
Preparing,-and-attesting-to-the-accuracy-of,-a--map--or--plat showing--the--land--boundaries--or--lines--and--the-marks-and monuments-of-the-boundaries,-or-of-a-map-or-plat-showing--the boundaries-of-subsurface-or-air-rights;

(d)--Executing--and--issuing--certificates,-endorsements, reports,-or-plats--which--portray--the--relationship--between existing--physical--objects--or--structures--and--one-or-more corners-or--boundaries--of--any--tract--or--lot--of--land--or boundaries--of--a--portion--of--the--surface,-subsurface,-or airspace;

(d) (e) Labeling, designating, naming, or otherwise identifying legal lines,-property-lines or land title lines of the United States Rectangular System or any subdivision thereof on any photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording the same in the Office of Recorder or-Registrar-of-Titles in any county;

(f)--Determining--the--position--for--any--monument--or reference-point-which-marks-a--property--line,-boundary,-or corner,-or--to--set,-reset,-or-replace-any-the-monument-or reference-point-on-any-property;

(g)--Acting-in-direct-supervision--and--control--of--land surveying--activities-or-conducting-as-a-manager-in-any-place of-business--which--solicits,-performs,-or-practices--land

surveying;

(e) ~~(h)~~ Any act or combination of acts that ~~which~~ would be viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory; or

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a Professional Land Surveyor, and if proper reference to that fact be made on that document;

(f) Determining the position for any monument or reference point that marks a title line, boundary, or corner, or to set, reset, or replace any monument or reference point on any property;

(g) Creating, preparing, or modifying electronic or computerized data relative to the performance of activities in items (a) through (f) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;

(h) Establishing any control network or adjusting of cadastral data as it pertains to items (a) through (g) of this Section;

(i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the relationship between existing physical objects or structures and one or more

corners or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) (i) Offering or soliciting to perform any of the services set forth in this Section.

(Source: P.A. 86-987.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following powers and duties:

(1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(2) Prescribe rules for a method of examination.

(3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.

(4) Promulgate rules and regulations required for the administration of this Act.

(5) License corporations and partnerships for the practice of professional surveying and issue a license to those who qualify.

(6) Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum

is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(b) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and recommendations.

(c) The Department shall review the Board's recommendation of the applicants' qualifications. The Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.

Whenever the Director is not satisfied that substantial

justice has been done in the revocation or suspension of a license, or other disciplinary action the Director may order re-hearing by the same or other boards.

None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/8) (from Ch. 111, par. 3258)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training and submit to the Director written recommendations on applicant qualifications for licensing;

(b) Conduct hearings regarding disciplinary actions and submit a written report to the Director as required by this Act and provide a Board member at informal conferences;

(c) Visit universities or colleges to evaluate surveying curricula and submit to the Director a written recommendation of acceptability of the curriculum;

(d) Submit a written recommendation to the Director concerning promulgation or amendment of rules for the administration of this Act;

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(g) Hold at least 4 3 regular meetings each year;  
and

(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.

A quorum of the Board shall consist of a majority of Board members appointed.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/12) (from Ch. 111, par. 3262)

(Section scheduled to be repealed on January 1, 2010)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has been issued a license as a Land Surveyor-in-Training;

(5) who, subsequent to passing an examination for licensure as a Surveyor-In-Training, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities ~~has-at-least-4-years--of responsible--charge--experience, subsequent-to-passage-of an---examination---for---licensure---as---a---Land Surveyor-in-Training, --verified--by--a--Professional-Land Surveyor--in--responsible--charge---of---land---surveying operations--under-the-direct-supervision-and-control-of-a Professional-Land-Surveyor;~~ and

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a

license as a Professional Land Surveyor.

(b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Land Surveyor-in-Training in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

(Section scheduled to be repealed on January 1, 2010)

Sec. 15. Seal. Every Professional Land Surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number, of the Professional Land Surveyor, and the words "Professional Land Surveyor, State of Illinois". Signatures generated by computer or rubber stamp shall not be permitted.

A Professional Land Surveyor shall seal all documents prepared by or under the direct supervision and control of the Professional Land Surveyor. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by

this Act. ~~Signatures--generated--by--computer--shall--not--be permitted.~~ The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal.

(Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/20) (from Ch. 111, par. 3270)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, ~~registered,~~ licensed, or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:

(a) That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and

(b) That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/29) (from Ch. 111, par. 3279)

(Section scheduled to be repealed on January 1, 2010)

Sec. 29. Investigations; notice and hearing. A license or registration issued under the provisions of this Act may be revoked, suspended, not renewed or restored, or otherwise disciplined, or applications for license or registration may be refused, in the manner set forth in this Act. The

Department may, upon its own action, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for discipline, investigate the actions of any person or other entity holding, applying for or claiming to hold a license, or practicing or offering to practice land surveying. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action, at least 30 days prior to the date set for the hearing, notify the person accused in writing of any charges made and shall direct the person or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the person or entity that if the person or entity fails to file an answer default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel in reference to the charges changes. This written notice may be served by personal delivery to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a

fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.

The Board may from time to time and in co-operation with the Department's legal advisors employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of their assistance, except upon proof of actual malice. The Attorney General shall defend these persons in any such action or proceeding.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 330/45) (from Ch. 111, par. 3295)

(Section scheduled to be repealed on January 1, 2010)

Sec. 45. Entry upon adjoining land; Liability for damages. A Professional Land Surveyor, or persons under his direct supervision, together with his survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass as-a-trespasser and is liable only for any actual damage done to the land or property.

(Source: P.A. 86-987.)

(225 ILCS 330/49) (from Ch. 111, par. 3299)

(Section scheduled to be repealed on January 1, 2010)

Sec. 49. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law concerning the licensure of land surveyors, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under the Illinois Land Surveyors Act which prohibits the unlicensed unregistered practice of land surveying or prohibits or requires any other conduct in connection with the practice of land surveying, or any disciplinary action begun under the Illinois Land Surveyors Act are not invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act. All certificates of registration and enrollments in effect on December 31, 1989 issued pursuant to the Illinois Land Surveyors Act are reinstated under this Act for the balance of the term for which last issued. All rules and regulations in effect on December 31, 1989 and promulgated pursuant to the Illinois Land Surveyors Act shall remain in full force and effect on and after the effective date of this Act without being promulgated again by the Department, except to the extent any such rule or regulation is inconsistent with any provision of this Act.

(Source: P.A. 86-987.)